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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,369	09/26/2003	Kazuo Hiraguchi	Q77302	6874
23373	7590	12/15/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/670,369

Applicant(s)

HIRAGUCHI, KAZUO

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The relationship between the recessed portions recited in claim 1, lines 4 and 6 is not clearly set forth. The claim does not state that the recessed portion of line 6 is part of the other recording tape cartridge of line 7.

In claim 1, lines 8-9, "the recessed portion" lacks proper antecedent basis since two different recessed portions were previously recited.

The relationship between the stacking ribs recited in claim 1, lines 5 and 9 is not clearly set forth. The claim does not state that the stacking rib of line 9 is part of another cartridge.

It is not clear from claim 1 how the cartridges recited on lines 7 and 10 are related.

In claim 2, line 2, "the pair of stacking ribs" lacks proper antecedent basis. Plural pairs of stacking ribs were previously recited.

The language of claim 5 appears inaccurate since all of the disclosed protruding portions including the protruding portion shown in Fig. 9 has corners.

In claim 6, lines 1-2, "the stacking rib" lacks proper antecedent basis.

In claim 7, lines 1-2, "the stacking rib" lacks proper antecedent basis.

The relationship between the recessed portions recited in claim 9, lines 4 and 6 is not clearly set forth. The claim does not state that the recessed portion of line 6 is part of another tape cartridge.

In claim 9, line 6, "the recording tape cartridges" lacks antecedent basis.

In claim 9, line 8, "the recessed portion" lacks proper antecedent basis. Plural recessed portions were previously recited.

The language of claim 12 appears inaccurate since all of the disclosed protruding portions including the protruding portion shown in Fig. 9 has corners.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer et al (U.S. Pat. No. 5,209,424) in view of Dodt et al (U.S. Pat. No. 5,351,159).

Fischer et al discloses a recording tape cartridge comprising a case having a substantially boxed shape, a recessed portion 64 on an upper surface of the case and stacking ribs (col. 3, lines 32-37) on a lower surface of the case.

Fischer et al does not disclose a protruding portion in the label region that surrounds the label region.

Dodt et al teaches forming a recording tape cartridge comprising a case 101 having a substantially boxed shape and rotatably accommodating a reel around which a recording tape is wound with a recessed portion having a uniform depth formed on an upper surface of the case and a protruding portion (raised portion between label regions 112, 113) formed in the recessed portion and defining a label region. Dodt et al also teaches providing several label regions (e.g., 112, 113, 115).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the recording tape cartridge of Fischer et al with an extended recessed portion and a protruding portion formed in the recessed portion that defines an additional label region as taught by Dodt et al to provide an additional label receiving area. It would have been obvious to form the protruding portion to surround a label region so as to divide the recessed portion into several label regions to accommodate uses requiring a number of separate labels since it would have been obvious from the teachings of Dodt et al that the recessed portion could be divided into numerous label regions by choosing a protruding portion of the appropriate shape and Dodt et al suggests the desirability of providing several label regions. With regard to

claims 3, 5, 10, and 12, a protruding portion that defines a label region is seen to have a frame shape.

With regard to claims 4 and 11, the protruding portion taught by Dodt et al is formed of a plurality of integral protruding members. It is noted that all embodiments disclosed by Applicant have integral protruding members.

With regard to claims 5 and 12, it would have been a matter of obvious design choice to make the protruding shape formed by the protruding portion without corners.

With regard to claim 9, any location of the protruding portion is formed between a pair of stacking ribs of another cartridge having the appropriate dimensions and position relative to the cartridge. The claim does not specify the structure of the cartridge of line 10 or the relative orientation of the cartridges when stacked. In addition, any position at which the protruding portion of the modified cartridge of Fischer et al is formed cartridge taught by Dodt et al can be arranged between stacking ribs of another identical cartridge when the other cartridge is stacked on it in the appropriate orientation.

With regard to claim 16, any position at which the protruding portion of the modified cartridge of Fischer et al is formed cartridge taught by Dodt et al can be arranged between stacking ribs of another identical cartridge when the other cartridge is stacked on it in the appropriate orientation.

Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer et al in view of Dodt et al as applied to claims 1 and 9 above, and further in view of Morita et al (U.S. Pat. No. 6,717,771).

Fischer et al does not disclose that the stacking ribs have a surface that is chamfered.

Morita et al teaches providing stacking ribs of a tape cartridge with rounded or chamfered surfaces (col. 12, lines 36-39; Figs. 8A, 8B).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the stacking ribs of Fischer et al with chamfered surfaces all around as taught by Morita et al to facilitate stacking, eliminate sharp or easily damages edges, and facilitate molding of the cartridge case.

With regard to claims 7 and 14, Morita et al appears to teach stacking ribs having a chamfered surface with a circular arc cross section. In any case, it would have been obvious to provide the chamfered surfaces with cross sections in the form of circular arcs since this is an old and well known manner in which to make rounded edges.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugiyama et al (U.S. Pat. No. 4,801,035) is cited to show a case having a label region defined by a protruding portion which may take various shapes.

***Response to Arguments***

Applicant's arguments filed 10/11/05 have been fully considered but they are not persuasive.

Applicant argues that the protruding portion 64 of the Fischer et al cartridge does not substantially surround a label region on which a label is adhered. However, Dodt et al teaches providing a protruding portion that defines a label region. It would have been obvious to an ordinary artisan to form protruding portions within the recessed portion and surrounding a label region to allow for attachment of additional labels since Dodt et al suggests the desirability of providing several label regions.

Applicant argues that Fischer et al does not disclose a plurality of protruding members as recited in claims 4 and 11. However, the protruding portion 64 of the cartridge of Fischer et al as well as the protruding portion taught by Dodt et al are inherently formed of a plurality of integral protruding members. It is noted that the protruding members of Applicant's cartridge are portions of an integral unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*sjh*  
sjh  
11/30/05

*Kathy Matecki*  
**KATHY MATECKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**